

By: Thierry

H.B. No. 814

A BILL TO BE ENTITLED

AN ACT

relating to an acknowledgment on receipt of an opioid prescription drug.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.074(a), Health and Safety Code, is amended to read as follows:

(a) A pharmacist may not:

(1) dispense or deliver a controlled substance or cause a controlled substance to be dispensed or delivered under the pharmacist's direction or supervision except under a valid prescription and in the course of professional practice;

(2) dispense a controlled substance if the pharmacist knows or should have known that the prescription was issued without a valid patient-practitioner relationship;

(3) fill a prescription that is not prepared or issued as prescribed by this chapter;

(4) permit or allow a person who is not a licensed pharmacist or pharmacist intern to dispense, distribute, or in any other manner deliver a controlled substance even if under the supervision of a pharmacist, except that after the pharmacist or pharmacist intern has fulfilled his professional and legal responsibilities, a nonpharmacist may complete the actual cash or credit transaction and delivery; ~~or~~

(5) permit the delivery of a controlled substance to

1 any person not known to the pharmacist, the pharmacist intern, or
2 the person authorized by the pharmacist to deliver the controlled
3 substance without first requiring identification of the person
4 taking possession of the controlled substance, except as provided
5 by Subsection (n); or

6 (6) dispense or deliver an opioid without:

7 (A) providing to the person taking possession of
8 the opioid the acknowledgment form described by Section 481.0761(1)
9 providing a warning about the risks of opioid addiction and
10 overdose;

11 (B) receiving from that person the signed
12 acknowledgment form; and

13 (C) maintaining the signed acknowledgment form
14 in the pharmacist's records.

15 SECTION 2. Section 481.0761, Health and Safety Code, is
16 amended by adding Subsection (1) to read as follows:

17 (1) The board by rule shall adopt an acknowledgment form
18 providing a warning about the risks of opioid addiction and
19 overdose to be signed by a person on receipt of an opioid. The
20 acknowledgment form must include language substantially similar to
21 the following, in all capital letters and printed in 14-point font:

22 "WARNING: THIS DRUG IS AN OPIOID. THE USE OF AN OPIOID MAY
23 RESULT IN ADDICTION TO OPIOIDS AND DEATH."

24 SECTION 3. The Texas State Board of Pharmacy shall adopt the
25 rules required under Section 481.0761(1), Health and Safety Code,
26 as added by this Act, not later than January 1, 2024.

27 SECTION 4. The change in law made by this Act applies only

1 to a prescription for an opioid dispensed on or after March 1, 2024.
2 A prescription dispensed before March 1, 2024, is governed by the
3 law in effect immediately before the effective date of this Act, and
4 the former law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.